

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

REGULAR SESSION MINUTES

November 18, 2014
6:00 PM
County Council Chambers

In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, persons requesting notification, and was posted on the bulletin board located in the lobby of the County Administration Building

CALL TO ORDER

Mr. Jackson called the meeting to order at approximately 6:01 PM

INVOCATION

The Invocation was given by the Honorable Bill Malinowski

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Bill Malinowski

POINT OF PERSONAL PRIVILEGE – Mr. Jackson recognized all of the magistrates that were in the audience.

PRESENTATION OF RESOLUTION

Resolution Honoring Judge Michael Davis for 45 years of service and being the longest serving magistrate in the State of South Carolina – Mr. Jackson presented a resolution to Judge Michael Davis honoring his 45 years of service to Richland County and on being the longest serving magistrate in the State of South Carolina.

POINT OF PERSONAL PRIVILEGE – Ms. Dixon thanked the Midlands Transit Rider Association for their assistance in having service restored to the Sandhills area.

POINT OF PERSONAL PRIVILEGE – Mr. Jackson recognized Ms. Dickerson on her U. S. Senate run.

APPROVAL OF MINUTES

Special Called: October 28, 2014 – Ms. Dickerson moved, seconded by Mr. Pearce, to approve the minutes as submitted. The vote in favor was unanimous.

Zoning Public Hearing: October 28, 2014 – Mr. Pearce moved, seconded by Ms. Dickerson, to approve the minutes as submitted. The vote in favor was unanimous.



Council Members Present

Norman Jackson, Chair
Joyce Dickerson, Vice Chair
Julie-Ann Dixon
Damon Jeter
Paul Livingston
Bill Malinowski
Jim Manning
Greg Pearce
Torrey Rush
Seth Rose
Kelvin E. Washington, Sr.

Others Present:

Tony McDonald
Sparty Hammett
Roxanne Ancheta
Warren Harley
Laura Renwick
John Hixon
Justine Jones
Monique Walters
Rob Perry
Brandon Madden
Beverly Harris
Quinton Epps
Michelle Onley
Larry Smith
Cheryl Patrick
Tracy Hegler
Amelia Linder
Monique McDaniels
Nelson Lindsay
Elizabeth McLean
Chad Fosnight
Bill Peters
Sandra Haynes
Wanda Kelly
Will Simon
Sara Salley
Nancy Stone-Collum
Kecia Lara
Ismail Ozbek

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ADOPTION OF THE AGENDA

Mr. Washington moved, seconded by Ms. Dixon, to adopt the agenda as published. The vote in favor was unanimous.

REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS

Mr. Smith stated that the following items were potential Executive Session Items:

- a. **Contractual Matter: Solid Waste**
- b. **Contractual Matter: Waterpark Contract**
- c. **Economic Development Land Purchase**
- d. **Legal Update: Columbia Venture**
- e. **Limited Notice Contract for Dirt Road Paving Team**
- f. **Employee Grievances (2)**
- g. **Personnel Matter**

CITIZENS' INPUT

Mr. James Atkins and Ms. Virginia Sanders spoke against Cook's Mountain/Goodwill Plantation.

Mr. Billy Cate, Mr. Bill Short, Mr. Barbara Weston, and Mr. John Cely spoke in favor of Cook's Mountain/Goodwill Plantation.

REPORT OF THE COUNTY ADMINISTRATOR

- a. **Cook's Mountain/Goodwill Plantation - Conservation Commission's Proposed Response to DNR** – Mr. Epps stated that the Conservation Commission and DNR were able to come to an agreement on 3 of the 4 Conservation Commission's recommendations.

Mr. Bob Perry stated that DNR has been requested to provide a letter from Richland County Council to the Joint Bond and Review Committee and the Budget and Control Board.

Mr. Livingston moved, seconded by Ms. Dickerson, move to add this item to the agenda for action. The vote in favor was unanimous.

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Mr. Washington moved, seconded by Ms. Dixon, to authorize staff and the Conservation Commission to negotiate with DNR on the Conservation Commission's recommendations and to move forward on the requested letter. The vote in favor was unanimous.

- b. **Employee Grievances (2)** – This item was taken up in Executive Session.

POINT OF PERSONAL PRIVILEGE – Mr. Pearce recognized that Representative Joe McEachern was in the audience.

- c. **2015 Council Retreat Update** – Mr. McDonald stated that staff has begun drafting the Council Retreat agenda. The topics for discussion will be distributed to Council on November 19th. If Council has any feedback, it is requested that it be forwarded to staff by Wednesday, November 26th.
- d. **Mitigation Bank Update** – Eco Capital Advisors gave a brief overview of the mitigation bank. The initial credit release is scheduled for April 2016.

REPORT OF THE CLERK OF COUNCIL

- a. **Richland County Office of Small Business Opportunity Grand Opening, November 19th, 11:30 AM – 3:00 PM** – Ms. McDaniels reminded Council of the Grand Opening of the Small Business Opportunity Office on Wednesday, November 19th, 11:30 AM – 3:00 PM.
- b. **December Meeting Schedule – December 2, 9, and 16** – Ms. McDaniels stated that the meetings for December are December 2nd, 9th and 16th.

REPORT OF THE CHAIRMAN

- a. **Personnel Matter** – This item was taken up in Executive Session.

PRESENTATION

LRADAC – Gayle Aycock, President & CEO – Ms. Aycock gave a brief update on LRADAC.

OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance Amending the Fiscal Year 2014-2015 General Fund Annual Budget to appropriate \$162,500 of General Fund Revenue received from a rate increase of \$.25 per ton on Host Fee Charges to be used for Economic Development Operating Cost** – No one signed up to speak.

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- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; so as to provide regulations for the construction, use, maintenance, and occupancy of mobile home parks, mobile home park sites, mobile homes, permanent buildings, accessory buildings or structures, and building components located within a mobile home park or a mobile home site, in all parts of the unincorporated areas of Richland County – Mr. Schafer spoke regarding this item.**
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; Section 17-9, Through Truck Traffic Prohibited; Subsection (A); so as to prohibit through truck traffic on Longreen Parkway in Richland County, South Carolina – No one signed up to speak.**
- **An Ordinance Authorizing a lease to United Way of the Midlands for 1205.3± Square Feet of space at 2000 Hampton Street 3rd Floor – No one signed up to speak.**
- **An Ordinance Amending the Fiscal Year 20104-2015 Hospitality Tax Fund Annual Budget to appropriate \$30,000 of Hospitality Fund Balance to provide funding for Palmetto Capital City Classic – No one signed up to speak.**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 23, Taxation; Article VI, Local Hospitality Tax; so as to add the Township Auditorium as an agency – No one signed up to speak.**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article X, Purchasing; Division 7, Small Local Business Enterprise Procurement Requirements; so as to change overall management of the program to the Office of Small Business Opportunity; and Amending Chapter 2, Administration; Article V; County Departments; Division 5A, Office of Small Business Opportunity; so as to create two divisions within the department – No one signed up to speak.**
- **Ordinance Authorizing an Amendment to the Master Agreement governing the I-77 Corridor Regional Industrial Park by and between Fairfield County, South Carolina and Richland County, South Carolina, in order to expand the boundaries of the park to include certain property located in Fairfield County (Enor Corporation SC, LLC), and other matters related thereto – Mr. Bernie Maybank spoke regarding this item.**

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- Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain real property located in Richland County; the execution and delivery of a Credit Agreement to provide for Special Source Revenue credits to company identified for the time being as Project Peak; and other related matters -- No one signed up to speak.

APPROVAL OF CONSENT ITEMS

- An Ordinance Amending the Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; Section 17-9, Through Truck Traffic Prohibited; Subsection (A); so as to prohibit through truck traffic on Longreen Parkway in Richland County, South Carolina [THIRD READING]
- An Ordinance Authorizing a lease to United Way of the Midlands for 1205.3± Square Feet of space at 2000 Hampton Street, 3rd Floor [THIRD READING]
- An Ordinance Amending the Fiscal Year 2014-2015 Hospitality Tax Fund Annual Budget to appropriate \$30,000 of Hospitality Fund Balance to provide funding for Palmetto Capital City Classic [THIRD READING]
- An Ordinance Amending the Fiscal Year 2014-2015 General Fund Annual Budget to appropriate \$162,500 of General Fund Revenue received from a rate increase of \$.25 per ton on host fee charges to be used for Economic Development operating cost [THIRD READING]
- 14-25MA, John May, RU to RC (.22 Acres), 10461 Wilson Blvd., 15000-02-08 [SECOND READING]
- 14-26MA, Eddie Roberts, M-1 to GC (.36 Acres), 10203 Two Notch Rd., 22909-01-01 [SECOND READING]
- 14-28MA, Thomas Crowther, RM-HD to GC (11.90 Acres), 3533 Broad River Rd., 06110-04-05(p) [SECOND READING]
- 14-30MA, Ray O'Neal, RU to GC (.66 Acres), 8505 Garners Ferry Rd., 21800-05-06 [SECOND READING]
- 14-31MA, Bill Dixon, PDD to PDD (65.94 Acres), Greenhill Parkway & Two Notch Rd., 25800-03-40 [SECOND READING]

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- Roofing Project—Lower Richland Fire Station
- Exploration and Development of a “Preservation Land Management Plan”
- FY 14-15 Annual Action Plan – Council Approval
- Department of Public Works: S. Scott Rd. Drainage Project
- Budget Amendment – Grant Match [FIRST READING]
- Extension of ACH Chemical Supply Contract – Utilities Broad River WWTF
- Coroner-Purchase of Three 2015 Chevy Tahoes
- An Ordinance Authorizing Deed to the South Carolina Department of Transportation for a portion of TMS # 19011-02-10 for the Mill Creek Bridge Replacement Project [FIRST READING]
- An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article X, Purchasing; so as to add a provision to allow for a 5% local vendor preference [FIRST READING BY TITLE ONLY]
- Employee Benefits Package Comparisons

Ms. Dixon moved, seconded by Ms. Dickerson, to approve the consent items. The vote in favor was unanimous.

THIRD READING ITEM

An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; so as to provide regulations for the construction, use, maintenance, and occupancy of mobile home parks, mobile home park sites, mobile homes, permanent buildings, accessory buildings or structures, and building components located within a mobile home park or a mobile home site, in all parts of the unincorporated areas of Richland County

– Ms. Dixon moved, seconded by Ms. Dickerson, to defer this item until the January 6th Council meeting. The vote in favor was unanimous.

An Ordinance Amending the Richland County Code of Ordinances, Chapter 23, Taxation; Article VI, Local Hospitality Tax; so as to add the Township Auditorium as an agency – Mr. Washington moved, seconded by Ms. Dixon, to approve the

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ordinance with the title amended to read "...as an ordinance agency". The vote in favor was unanimous.

Ordinance Authorizing an Amendment to the Master Agreement governing the I-77 Corridor Regional Industrial Park by and between Fairfield County, South Carolina and Richland County, South Carolina, in order to expand the boundaries of the park to include certain property located in Fairfield County (Enor Corporation SC LLC), and other matters related thereto – Mr. Washington moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

An Ordinance Amending the Richland County Code of Ordinance, Chapter 2, Administration; Article X, Purchasing; Division 7, Small Local Business Enterprise Procurement Requirements; so as to change overall management of the program to the Office of Small Business Opportunity; and Amending Chapter 2, Administration; Article V; County Departments; Division 5A, Office of Small Business Opportunity; so as to create two divisions within the department – Mr. Livingston moved, seconded by Mr. Jeter, to approve the ordinance with the following amendments:

- 1) Section 1 of the ordinance is deleted in its entirety
- 2) Section 2 is amended to read: The Richland County Code of Ordinances, Chapter 2, Administration; Article V, County Departments; Division 5A, Office of Small Business Opportunity; is hereby deleted and Sections 2-232 through 2-234 are reserved for future use.
- 3) Section 3 is added as follows: The Richland County Code of Ordinances, Chapter 2, Administration; Article III, Administrative Offices and Officers; Division 9, Office of Procurement; is hereby amended by the addition of Section 2-153.5, to read as follows:

2-153.5. Divisions. The office of procurement shall include the Office of Small Business Opportunity Division, which shall manage and administer the SLBE Program (see Section 2-639 et. seq.) and shall undertake other functions and duties as assigned by the director of the office of procurement, the county administrator or county council.

An in depth discussion took place regarding the amendment to the ordinance.

Mr. Pearce moved, seconded by Mr. Malinowski, to call for the question. The vote was in favor.

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FOR

Pearce
Malinowski
Rose
Livingston
Rush
Manning
Jeter

AGAINST

Dixon
Dickerson
Jackson
Washington

The vote was in favor of the ordinance as amended.

Mr. Livingston moved, seconded by Mr. Manning, to reconsider this item. The motion failed.

Mr. Livingston moved, seconded by Mr. Jeter, to amend the title of the ordinance to read: An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; so as to abolish the Department known as the Office of Small Business Opportunity and instead create it as a division of the Office of Procurement.

Mr. Rose moved, seconded by Mr. Manning, to call for the question. The vote was in favor.

FOR

Pearce
Malinowski
Rose
Livingston
Rush
Manning
Jeter

AGAINST

Dixon
Dickerson
Jackson
Washington

The vote was in favor of the amended ordinance title.

Mr. Manning moved, seconded by Mr. Jeter, to reconsider this item. The motion failed.

SECOND READING ITEMS

Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain real property located in Richland County; the execution and delivery of a credit agreement to provide for special source revenue credits to Blue Atlantic Columbia, LLC, previously identified as Project Peak; and other related matters –

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Mr. Livingston moved, seconded by Mr. Washington, to approve this item. The vote was in favor.

Authorizing the execution and delivery of an amendment to the fee agreement between Richland County, South Carolina, and Arum Composites, LLC its affiliates and assigns, to provide for a new effective date and millage rate; and other matters – Mr. Livingston moved, seconded by Mr. Washington, to approve this item. The vote in favor was unanimous.

Mr. Malinowski requested a summary of how changes to an existing agreement will affect the County financially.

REPORT OF THE DEVELOPMENT AND SERVICES COMMITTEE

Microphone Mute Options for Council Chambers – Mr. Malinowski moved, seconded by Mr. Manning, to defer this item.

Mr. Malinowski withdrew his motion for deferral.

Mr. Washington moved, seconded by Mr. Jeter, to approve this item. The vote was in favor with Mr. Rose voting against the item.

RC Souvenirs – Mr. Manning moved, seconded by Mr. Malinowski, to defer this item.

Mr. Manning withdrew his motion for deferral.

Mr. Pearce moved, seconded by Mr. Malinowski, to defer back to committee to review costs and other less costly souvenir alternatives. The vote in favor was unanimous.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

Animal Care – Intergovernmental Governmental Agreement with Town of Arcadia Lakes – Mr. Malinowski moved, seconded by Ms. Dickerson, to defer this item. The vote was in favor.

An Ordinance Amending the Richland County Code of Ordinances, Chapter 23, Taxation; Article VI, Local Hospitality Tax; so as to delete historical disbursement reference [FIRST READING] – Mr. Malinowski moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

Professional Services/Airport Work Authorizations 6 & 7 – Mr. Pearce moved, seconded by Mr. Malinowski, to defer this item. The vote in favor was unanimous.

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Professional Services/Airport Work Authorizations 5 (Amendment 1) & 8 – Mr. Pearce moved, seconded by Mr. Malinowski, to defer this item. The vote in favor was unanimous.

Construction Contract Award/Airport Stream and Wetland Mitigation project – Mr. Pearce moved, seconded by Mr. Malinowski, to defer this item. The vote in favor was unanimous.

Professional Services/Stormwater Management Work Authorization 9 – Mr. Pearce moved, seconded by Mr. Malinowski, to defer this item. The vote in favor was unanimous.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

Longbranch Farms Options Exercise – Mr. Livingston stated that the committee recommended approval of this item. The vote in favor was unanimous.

Blythewood Industrial Site Planning Grant – Mr. Livingston stated that the committee recommended approval of this item. The vote in favor was unanimous.

Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain real property located in Richland County; the execution and delivery of a credit agreement to provide for special source revenue credits to 3130 Bluff Road, LLC; and other related matters [FIRST READING BY TITLE ONLY] – Mr. Livingston stated that the committee recommended approval of this item. The vote in favor was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF APPOINTMENTS

- a. **Airport Commission – 1** – Mr. Malinowski stated that the committee recommended appointing Mr. Joel McCreary. The vote in favor was unanimous.
- b. **Historic Columbia Foundation – 1** – Mr. Malinowski stated that the committee recommended re-appointing Ms. Rena N. Grant. The vote in favor was unanimous.

II. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **Procurement Review Panel** – This item was held in committee.

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- b. **Council review why varying boards have varying terms and consider if terms should be consistent [Dixon, Malinowski, and Manning]** – This item was held in committee.

OTHER ITEMS

REPORT OF THE DIRT ROAD AD HOC COMMITTEE

- a. **Package E Bid Results** – Ms. Dixon stated that the committee recommended awarding
- b. **Limited Notice Contract for Dirt Road Paving Team** – This item was taken up in Executive Session.

REPORT OF THE FIRE ADVISORY COMMITTEE

CITIZENS' INPUT

Ms. Wendy Brawley spoke regarding the Lower Richland Sewer Project.

EXECUTIVE SESSION

*Council went into Executive Session at approximately 9:01 p.m.
and came out at approximately 9:27 p.m.*

- a. **Contractual Matter: Solid Waste** – No action was taken.
- b. **Economic Development Land Purchase** – Proceed as directed in Executive Session.
- c. **Legal Update: Columbia Venture** – No action was taken.
- d. **Limited Notice Contract for Dirt Road Paving Team** – Move forward as directed in Executive Session.
- e. **Employee Grievance** – Uphold the Administrator's recommendation.

MOTION PERIOD

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- a. **I move that County Council amend its rules to require roll call voting on every vote taken [ROSE]** – This item was referred to the Rules & Appointments Committee.
- b. **Motion to direct the Clerk’s Office to work with school districts 1, 2, and 5, to create a way for their students to display art work throughout the county building [DIXON AND WASHINGTON]** – This item was referred to the D&S Committee.
- c. **I move to direct staff and the clerk’s office to develop a plan of action to develop a comprehensive youth program for Richland County that will identify and offer a solution for the youth we classify as “at risk” [ROSE]** – This item was referred to the D&S Committee.
- d. **Move that the terms of Board members to the Lexington Richland Alcohol & Drug Commission (LRADAC) be changed from “two, three year terms” to “three, three year terms” so that Richland County appointees have the same opportunities for extended service on this board as Lexington County appointees are currently allowed [PEARCE]** – This item was referred to the Rules & Appointments Committee.
- e. **Move that the Economic Development Committee develop an Ordinance or Resolution providing for an annual compliance audit of all private student housing developments located in Richland County that have been provided property tax abatements and/or other financial incentives by Richland County Council and that this provision be incorporated into all current and future agreements related to student housing. The cost of these audits will be born by the recipient of the financial incentives [PEARCE]** – This item was referred to the Economic Development Committee.

ADJOURNMENT

The meeting adjourned at approximately 9:32 PM.

Norman Jackson, Chair

Joyce Dickerson, Vice-Chair

Julie-Ann Dixon

Damon Jeter

Paul Livingston

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Bill Malinowski

Jim Manning

Greg Pearce

Seth Rose

Torrey Rush

Kelvin E. Washington, Sr.

The Minutes were transcribed by Michelle M. Onley, Deputy Clerk of Council

